HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.1612 OF 2007

ORDER:

This Criminal Petition is filed under Section 397 read with Section 401 of Criminal Procedure Code (for short "CrPC") questioning the judgment in Crl.A.No.160 of 2007 dated 27.09.2007 on the file of the III Additional Metropolitan Sessions Judge, Hyderabad, confirming the judgment in C.C.No.828 of 2004 dated 12.04.2007 on the file of VII Additional Chief Metropolitan Magistrate, Hyderabad, for the offence under Section 138 of Negotiable Instruments Act.

2. The case of the complainant/respondent No.2 is that the petitioner herein borrowed an amount of Rs.63,000/- and issued the said cheque towards outstanding due. The said cheque when presented for clearance was returned unpaid for which reason the complaint under Section 138 of Negotiable Instruments Act was filed. The learned Magistrate having examined the respondent No.2 and marking Exhibits P1 to P6 found that this petitioner was guilty of the offence under section 138 of Negotiable

Instruments Act and sentenced to imprisonment of six (6) months and to pay fine of Rs.2,000/-. The said conviction when questioned in appeal, the learned Sessions Judge confirmed the conviction.

3. However both the Courts below have not imposed any compensation. Having gone through the record I do not find any infirmity in the findings of both the Courts below.

4. Keeping in view that the petitioner is a women, this Court deems it appropriate to set aside the sentence of imprisonment of six (6) months. However, the petitioner is directed to pay a compensation of Rs.1,20,000/- to respondent No.2 after receipt of notice from the concerned Magistrate Court.

5. Accordingly, the concerned Magistrate Court shall cause appearance of this petitioner and respondent No.2 and after the petitioner deposits the amount of Rs.1,20,000/- the same shall be handed over to respondent No.2. In the event of failure to deposit the compensation amount within a period of three months after being summoned by the learned

Magistrate the petitioner shall undergo imprisonment of three months.

6. With the said directions, the Criminal Revision Case is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

K.SURENDER, J

Date: 06.01.2023
PSW

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.1612 OF 2007

06.01.2023
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